

tion of such bonds, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PARR, Chairman.

#### SIXTEENTH DAY—Continued.

Senate Chamber,  
Austin, Texas,  
February 21, 1934.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

#### House Bill No. 13.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 13, A bill to be entitled "An Act providing for the issuance of State relief bonds, to be designated as 'Texas Relief Bonds—Second Series,' in the sum of ten million dollars (\$10,000,000), under Section 51-a, Article III, of the Constitution of the State of Texas; providing the terms and the denominations and interest of such bonds, and the manner of signing and registering same, and the sources from which said bonds and the interest thereon shall be paid, and exempting same from taxation; etc."

The Senate granted unanimous consent to adopt and consider the committee substitute in lieu of the original bill.

The committee amendment was adopted.

Senator Holbrook sent up the following amendment:

Amend House Bill No. 13, page 8, by striking out all of Section 25.

HOLBROOK.

The amendment was adopted.

Senator Holbrook sent up the following amendment:

Amend House Bill No. 13, pages 7 and 8 by striking out all of Section 24.

HOLBROOK.

The amendment was adopted

Senator Holbrook sent up the following amendment:

Amend House Bill No. 13, page 3, line 59 (of the printed bill), by add-

ing after the word "proper" the following:

"It is further provided that if in the opinion of the commission such advertisement is necessary," an advertisement similar in extent and for the same period of time as that published in Texas newspapers may be published in one newspaper of general circulation outside of Texas.

HOLBROOK.

The amendment was adopted.

Senator Holbrook sent up the following amendment:

Amend House Bill No. 13, page 8, by striking out all of lines 40 and 41 and substitute in lieu thereof the following: "By being confined in the county jail for a period not to exceed three months or by both such fine and confinement in the county jail."

HOLBROOK.

The amendment was adopted.

Senator Holbrook sent up the following amendment:

Amend House Bill No. 13, page 8, line 22, by inserting before the word "no" in said line the following: "Section 27," and renumber subsequent sections accordingly.

HOLBROOK.

The amendment was adopted.

Senator Holbrook sent up the following amendment:

Amend House Bill No. 13, page 8, line 33, by adding after the word "conviction" in said line, the word "thereof."

HOLBROOK.

The amendment was adopted.

Senator Sanderford sent up the following amendment:

Amend House Bill No. 13, by striking out all of Section 6, page 4, line 32, and inserting in lieu thereof a new Section 6 to read as follows:

"That all bonds sold by the Texas Bond Commission under the terms of this Act shall be eligible for purchase out of the Permanent Fund of the University of Texas, the Public Free School Fund, the Highway Fund, or any other fund now existing under control of or for the use in the maintenance of any institution of higher education in Texas, or the public school system of this State, or any eleemosynary institu-

tion of this State, or the sinking funds of any county in this State."

SANDERFORD.

Pending.

### Bills Introduced

By Senator Greer:

S. B. No. 69, A bill to be entitled "An Act amending Chapter 9, Acts of the First Called Session of the Forty-second Legislature, by adding thereto a new section, Section 3-a, authorizing the governing bodies of cities, towns and villages to reduce the required collateral of city depository banks in a sum equal to the amount of such deposits as may be guaranteed or insured by any Act of the Congress of the United States, or by the Legislature of Texas, and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

By Senator Small.

S. B. No. 70, A bill to be entitled "An Act to change and prescribe the time for holding the terms of district court in the 108th Judicial District; to make all writs and process issued or served before this Act takes effect returnable to the terms of court as herein fixed; to validate the summoning of petit jurors under the present law so as to render them available under this Act; to provide for the continuation on court in session in said district when this Act takes effect to the end of the term; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to the Committee on Judicial Districts.

### Senate Simple Resolution No. 18.

Senator Beck sent up the following resolution:

Whereas, Major Johnson Hagood, Commanding General of the Third Army, is within the body of the Senate;

THEREFORE, BE IT RESOLVED, That the Senate of Texas extend to him and his staff the privileges of the floor and request the General to address this body.

BECK,  
HOLBROOK,  
PACE,  
WOODRUFF.

The resolution was adopted.

The Chair appointed Senators Beck, Pace and Woodul to escort the visitors to the platform, and instructed Senator Beck to introduce Major General Hagood to the Senate.

Senator Beck introduced Major General Hagood to the Senate, who then briefly addressed the Senate.

### Messages From the Governor.

Austin, Texas, Feb. 21, 1934.

To the Forty-third Legislature in Second Called Session:

At the request of Senator Greer, I am submitting herewith for your consideration a bill to be entitled:

"An Act amending Chapter 9, Acts of the First Called Session of the Forty-second Legislature, by adding thereto a new section, 3-a, authorizing the governing bodies of cities, towns and villages to reduce the required collateral of city depository banks in a sum equal to the amount of such deposits as may be guaranteed or insured by any Act of the Congress of the United States, or by the Legislature of Texas; and declaring an emergency."

At the request of Representatives Dwyer and Jefferson, I am submitting herewith for your consideration a bill to be entitled:

"An Act to authorize each county, and the commissioners' court thereof, of the State of Texas, which has a population of more than 250,000 as shown by the last official Federal Census to acquire by purchase lands for use as county public parks and authorizing the commissioners' court of each such county to issue and deliver bonds and/or time warrants of not exceeding an aggregate principal amount of \$25,000.00 without submitting the same to the voters or to any election, . . . and declaring an emergency."

At the request of Representative Cowley and others, I am submitting herewith for your consideration a bill to be entitled:

"An Act further defining the offense of bribery; making any person employed in any department of State Government guilty of bribery who contributes to the head of the department in which he is employed any money or property to further the campaign of such department head for nomination or election to any State office; . . . and declaring an emergency."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Austin, Texas, Feb. 21, 1934.  
To the Forty-third Legislature in  
Second Called Session:

Pursuant to resolution passed by  
the Texas Relief Commission I wired  
Honorable Harry L. Hopkins, Fed-  
eral Emergency Relief Administra-  
tor, as follows:

"Austin, Texas, Feb. 14, 1934.  
"Honorable Harry L. Hopkins  
Federal Emergency Relief Adminis-  
trator  
Washington, D. C.

The Texas Relief Commission by  
authority of law in charge of the re-  
lief work has requested me to make  
application for federal emergency re-  
lief allotment in the sum of one mil-  
lion seven hundred thousand dollars  
for the purpose of carrying on the  
relief in Texas under present emer-  
gency Stop And said sum to be ad-  
vanced in the sum of four hundred  
fifty thousand dollars with which it  
is necessary to complete our relief  
program to March first, nineteen  
hundred thirty-four, and the remain-  
ing sum of one million two hundred  
fifty thousand to be advanced on  
March first to aid in carrying on the  
relief program during the month of  
March Stop We have two million  
seven hundred fifty thousand dollars  
relief bonds issued but yet unsold  
Stop Our Legislature is yet in session  
and is considering the authorizing of  
additional bonds Stop The House has  
voted authority to issue four million  
dollars additional relief bonds but  
the Act does not carry the emergency  
vote Stop While it is uncertain as to  
the amount that our Legislature will  
finally authorize yet we hope that  
some substantial sum will be pro-  
vided for Stop Our present cash  
balance will carry us only through  
February twenty-second therefore it  
will be deeply appreciated if you will  
allot us four hundred fifty thousand  
now to carry us to March first and in  
the meantime we will use every effort  
to sell our remaining bonds of two  
million seven hundred fifty thousand  
and what other additional bonds may  
be authorized by the Legislature Stop  
Our commission is deeply grateful  
for your many favors and benefac-  
tions."

In reply to my telegram of the  
14th I received the following tele-  
gram:

"1934 Feb. 20  
Washington, D. C.  
"Governor Miriam A. Ferguson  
Austin, Texas.

We are not prepared to furnish ad-  
ditional Federal funds until State  
of Texas has available in hands of  
Relief Commission funds to match  
our grant.

HARRY L. HOPKINS,  
Administrator."

In view of the fact that the Texas  
Bond Commission received no bids  
on yesterday for the two million  
seven hundred fifty thousand dollars  
relief bonds, series No. 1, and the  
further fact that the Texas Relief  
Commission has been officially direct-  
ed by the Federal Emergency Relief  
Administration that on next Fri-  
day, February 23, there should be  
dropped from the C. W. A. pay-  
rolls of Texas forty thousand em-  
ployees, I deem it my duty again  
to call our attention to the seri-  
ousness and gravity of the situa-  
tion which now confronts the peo-  
ple of Texas. I am transmitting  
this information to you for your con-  
sideration in passing upon the mat-  
ter of issuing additional relief bonds  
for the relief of the unemployed and  
indigent persons of our State.

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

#### Messages From the House.

Hall of the House of Representatives,  
Austin, Texas, Feb. 21, 1934.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the senate that the House  
has passed the following bills:

H. B. No. 67, A bill to be entitled  
"An Act requiring every person, firm,  
corporation, or association of persons  
in this State who sells cigarettes by  
means of a vending machine of any  
kind or character to secure a permit  
from the Comptroller of Public Ac-  
counts, as is required of other deal-  
ers under the provisions of Chapter  
90; etc."

H. B. No. 68, A bill to be entitled  
"An Act amending Article 7047, of  
the Revised Civil Statutes, 1925, by

repealing House Bill No. 102, as passed by the Forty-first Legislature, Second Called Session, 1929, and approved by the Governor of Texas, June 24, 1929; and repealing Senate Bill No. 127, 'regulating and providing for supervision of immigrant agents,' passed by the Forty-first Legislature, Second Called Session, 1929, and effective without the Governor's signature, and declaring an emergency."

H. B. No. 81, A bill to be entitled "An Act amending Article 879 and Article 879, of Chapter 6, Title 13, Revised Criminal Statutes of Texas, 1925, as amended by Acts of the Fortieth Legislature, page 316, etc.; making it unlawful to hunt, take, or kill wild mourning doves, wild quail of all kind, wild Mexican pheasants, or chachalaca at any other time of year; providing a penalty, and declaring an emergency."

H. B. No. 95, A bill to be entitled "An Act amending Article 1119, of the Revised Civil Statutes of 1925, so as to change the population of towns coming within its scope from two thousand (2,000) to five hundred (500); and to limit the earnings of persons, companies, or corporations, coming within the provisions of said article, to an amount not exceeding a fair return upon the fair value of property used and useful in rendering its service to the public; which return shall never exceed ten per cent (10%) per annum, and declaring an emergency."

H. B. No. 107, A bill to be entitled "An Act creating Indian Village Independent School District of Polk County, including the present Indian Village Common School District No. 17 of said county; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges, and duties conferred upon independent school districts incorporated or established under the general laws of Texas for school purposes only; providing that the board of trustees of the existing common school district included herein shall serve until their successors are selected in accordance with the provisions of this Act, and declaring an emergency."

H. B. No. 132, A bill to be entitled "An Act to provide a more efficient system for the appointment of deputy

district clerks serving in counties of more than 355,000 population, in which counties there are more than one district court, including criminal district courts, by providing that the clerk of the district court may appoint a deputy for each district court or criminal district court in his county when directed so to do by the judge of any such court; fixing the salaries of such deputies, and providing a method for their payment, and declaring an emergency."

H. B. No. 133, A bill to be entitled "An Act to amend Article 6869, of the Revised Civil Statutes, as amended by the Acts of the Forty-first Legislature, dealing with the appointment, authority, duties, and qualifications of deputy sheriffs, limiting the number of such deputies in any county, and providing for the payment of their compensation, by adding a clause thereto excepting counties of over 355,000 population from the provisions of said Article 6869, as amended as aforesaid, in so far as the same relates to the number of deputies to be appointed by the sheriff in said counties, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 43, A bill to be entitled "An Act amending Article 6032, Title 102, Revised Civil Statutes of 1925, as amended by Chapter 26, Acts Forty-second Legislature, First Called Session, and Chapter 162, Acts Forty-third Legislature; appropriating the proceeds of the tax derived by the provisions of Article 6032 to the Railroad Commission of Texas for the enforcement of the oil and gas laws of this State, etc."

H. B. No. 125, A bill to be entitled "An Act to amend Article 920 of the Code of Criminal Procedure of the State of Texas for 1925, so as to provide that a defendant placed in jail on account of failure to pay the fine and costs, can be discharged on habeas corpus by showing that he is too poor to pay the fine and costs,

and that he has remained in jail a sufficient length of time to satisfy the fine and costs, at the rate of one dollar for each day; providing further, that a justice of the peace may discharge the defendant upon his showing the same cause by application to such justice; providing that in no event shall the defendant be discharged until he has remained in jail at least ten days; and requiring the justice to note the granting of such application on his docket, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

#### Bills Referred.

H. B. No. 67, referred to the Committee on State Affairs.

H. B. No. 68, referred to the Committee on State Affairs.

H. B. No. 81, referred to the Committee on Game, Fish and Oysters.

H. B. No. 95, referred to the Committee on Towns and City Corporations.

H. B. No. 107, referred to the Committee on Education.

H. B. No. 132, referred to the Committee on State Affairs.

H. B. No. 133, referred to the Committee on State Affairs.

H. B. No. 43, referred to the Committee on Civil Jurisprudence.

H. B. No. 125, referred to the Committee on State Highways and Motor Traffic.

H. B. No. 109, referred to the Committee on Stock and Stock Raising.

H. B. No. 49, referred to the Committee on Finance.

#### Senate Bill No. 70.

On motion of Senator Small, the Senate granted unanimous consent to suspend the constitutional rule and to consider the following bill at this time:

S. B. No. 70, A bill to be entitled "An Act to change and prescribe the time for holding the terms of District Court in the 108th Judicial District; to make all writs and process issued or served before this Act takes effect returnable to the terms of court as herein fixed; to validate the summoning of petit jurors under the present law so as to render them available under this Act; to provide

for the continuation of court in session in said district when this Act takes effect to the end of the term; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 70 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.

**Recess.**

On motion of Senator Hornsby, the Senate, at 12:04 o'clock p. m., recessed until 3 o'clock p. m., today.

**Afternoon Session.**

The Senate was called to order, pursuant to recess, at 3 o'clock p. m., by Lieutenant Governor Edgar E. Witt.

**Senate Bill No. 32.**

On motion of Senator Parr, the Senate granted unanimous consent to suspend the constitutional rule and to consider at this time, the following bill:

S. B. No. 32, A bill to be entitled "An Act to apportion the State of Texas into Congressional Districts, naming the counties composing the same, and providing for the election of a member of the Congress of the United States from each district, transferring Duval County from the Fourteenth District to the Fifteenth District, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senator Moore moved the previous question on the bill.

The motion was lost.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed, was adopted by unanimous consent.

The bill was read second time, and passed to engrossment.

On motion of Senator Parr, the constitutional rule, requiring bills to be read on three several days, was suspended, and Senate Bill No. 32 was put on its third reading and final passage by the following vote:

**Yeas—27.**

Beck.	Patton.
Blackert.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

**Nays—3.**

Collie.	Holbrook.
Cousins.	

**Absent—Excused.**

Fellbaum.

Read third time and finally passed by the following vote:

**Yeas—17.**

Beck.	Redditt.
Duggan.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Neal.	Small.
Pace.	Stone.
Parr.	Woodruff.
Patton.	Woodul.
Rawlings.	

**Nays—7.**

Collie.	Hornsby.
Cousins.	Murphy.
DeBerry.	Poage.
Holbrook.	

**Present—Not Voting.**

Oneal.	Woodward.
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**Absent.**

Blackert.	Hopkins.
Greer.	Purl.

**Absent—Excused.**

Fellbaum.

**Message From the Governor.**

Executive Office,

Austin, Texas, Feb. 21, 1934.

To the Forty-third Legislature in Second Called Session:

At the request of Senator Russek, I am submitting herewith for your consideration, a bill to be entitled:

"An Act amending Article 515 of the Revised Civil Statutes of the State of Texas, 1925, as amended, limiting the indebtedness of State banking corporations, so as to permit same to borrow in excess of this amount from the United States of America and from any corporation wholly owned by the United States of America, validating all such obligations heretofore incurred and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

**Messages From the House.**

Hall of the House of Representatives,  
Austin, Texas, Feb. 21, 1934.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bills:

S. B. No. 12, A bill to be entitled  
"An Act to amend Article 3264, Re-  
vised Civil Statutes of 1925, by au-  
thorizing irrigation districts, water  
improvement districts and water  
power control districts to condemn  
land under the general condemna-  
tion statutes; amending Article  
3268, Revised Civil Statutes of 1925,  
as amended by Chapter 37, General  
Laws, Fourth Called Session, Forty-  
first Legislature, by authorizing irri-  
gation districts, water improvement  
districts and water power control  
districts to take possession of the  
property sought to be condemned  
pending litigation after the award of  
the commissioners without first de-  
positing bond or sum of money; pro-  
viding that if any portion of this Act  
be held unconstitutional same shall  
not affect the remaining portions;  
and declaring an emergency."

H. B. No. 10, A bill to be entitled  
"An Act to amend Section 5, of Chap-  
ter 88, of the Acts of the Second  
Called Session of the Forty-first Leg-  
islature, relating to the licensing of  
motorcycles, sidecars, and passenger  
motor vehicles, providing a license  
fee therefor, fixing an effective date  
of this Act, and declaring an emer-  
gency."

H. B. No. 49, A bill to be entitled  
"An Act making appropriations to  
pay miscellaneous claims out of the  
General Fund; authorizing the pay-  
ment of certain sums out of the  
funds of the State Highway Depart-  
ment; and authorizing payment of  
said miscellaneous claims on the tak-  
ing effect of this Act."

H. B. No. 109, A bill to be entitled  
"An Act relating to the conservation  
and development of lands in the  
State of Texas, pursuant to Section  
59, of Article XVI, of the State Con-  
stitution, declaring and providing  
that the growth of cedar upon lands  
is injurious to the value of such  
lands and the use thereof and bene-  
fits to be derived therefrom, and is,  
and constitutes, a public nuisance,  
and that the eradication of such  
growths of cedar constitutes a public

benefit and use; providing for the  
creation of districts known as 'cedar  
eradication districts'; etc."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 21, 1934.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bills and  
resolution:

S. B. No. 14, A bill to be entitled  
"An Act granting to the Houston  
Yacht Club, its successors and as-  
signs, all right, title and interest of  
the State of Texas to certain land  
under the waters of Galveston Bay,  
described as follows: Beginning at  
the Northeast corner of that certain  
tract of land in Harris County,  
Texas, lying on the waters of Gal-  
veston Bay, described in deed from  
Shoreacres, Inc. to San Jacinto Bay  
Corporation, dated March 23, 1927,  
recorded in Volume 697, page 460,  
Deed Records of Harris County,  
Texas; thence in a Southeasterly di-  
rection along the waters of Galves-  
ton Bay and following the South-  
easterly line of said tract conveyed  
to San Jacinto Bay Corporation, a  
distance of approximately seven hun-  
dred sixty feet, to the Southeast cor-  
ner of said tract; thence at right  
angles to said Southeast line of said  
tract in a Northeasterly direction a  
distance of two thousand feet; thence  
at right angles in a Northwesterly  
direction a sufficient distance so as  
to intersect at right angles a line  
drawn from the beginning point and  
at right angles to the Southeasterly  
line of said tract conveyed to San  
Jacinto Bay Corporation; thence at  
right angles in a Southwesterly di-  
rection along said line a sufficient  
distance as to intersect at right  
angles the Southeasterly line of said  
tract conveyed to San Jacinto Bay  
Corporation, at the place of be-  
ginning, for harbor purposes and for  
the purpose of constructing, main-  
taining, using and operating wharves,  
docks, slips, piers, breakwaters and  
other improvements and harbor fa-  
cilities, for a term of fifty years and  
so long thereafter as the same may  
be used and maintained as a harbor,  
and declaring an emergency."

(With amendment.)

S. B. No. 25, A bill to be entitled "An Act authorizing the Board of Regents of the University of Texas to complete the construction, furnishing and equipment of the administration and library building, and for the payment of the cost thereof to issue its negotiable notes or bonds payable solely from revenues from grazing and other surface leases of University lands, and to pledge such revenues to such purpose; to authorize the Board of Regents to enter into such agreements or contracts with respect thereto as it may deem proper; to provide for the payment of the cost of furnishing and equipping said building; to provide for the handling, depositing, and disposition of the revenues pledged hereunder; to validate contracts heretofore entered into in furtherance of the purpose of this Act; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. C. R. No. 29, Relative to the filing of a partial report of the "Anti-Nepotism" Committee on or before February 24, 1934, and dispensing with said committee after this date.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

#### Senate Simple Resolution No. 20.

Senator Moore sent up the following resolution:

Whereas, Hon. Harry Hertzberg, former Member of the Senate from San Antonio, is now within the bar of the Senate;

NOW, THEREFORE, BE IT RESOLVED, That he be invited to address the Senate and be accorded the privilege of the floor.

MOORE.

The resolution was adopted.

The Chair appointed Senator Moore to escort the visitor to the platform.

Senator Moore introduced Hon. Harry Hertzberg to the Senate, who then briefly addressed the Senate.

#### Bill on First Reading.

By Senator Russek:

S. B. No. 71, A bill to be entitled "An Act amending Article 515 of the Revised Civil Statutes of the State of Texas, 1925, as amended, limiting the indebtedness of State banking corporations, so as to permit same to borrow in excess of this amount

from the United States of America and from any corporation wholly owned by the United States of America, validating all such obligations heretofore incurred, and declaring an emergency."

Read first time and referred to Committee on Banking.

#### Bills Referred.

H. B. No. 10, referred to the Committee on State Highways and Motor Traffic.

H. B. No. 109, referred to the Committee on Stock and Stock Raising.

H. B. No. 49, referred to the Committee on Finance.

H. C. R. No. 29, referred to the Committee on State Affairs.

#### House Bill No. 13.

The question recurred on the pending amendment of Senator Sanderford.

The amendment was lost by the following vote:

Yeas—5.

Cousins.  
Martin.  
Neal.

Russek.  
Sanderford.

Nays—20.

Collie.  
DeBerry.  
Duggan.  
Holbrook.  
Hornsby.  
Moore.  
Murphy.  
Oneal.  
Pace.  
Patton.

Poage.  
Purl.  
Rawlings.  
Redditt.  
Regan.  
Small.  
Stone.  
Woodruff.  
Woodul.  
Woodward

Absent.

Beck.  
Blackert.  
Greer.

Hopkins.  
Parr.

Absent—Excused.

Fellbaum.

Senator Oneal sent up the following amendment:

Amend Senate Committee Substitute for House Bill No. 13 by striking out the period at the end of Subsection No. "f" of Section 1 and adding thereafter the following:

"and this provision shall apply to all bonds issued and sold under Chapter 37, Acts of the First Called Session of the Forty-third Legislature."

ONEAL.

The amendment was adopted.



Senator Martin sent up the following amendment:

Amend H. B. No. 13, Committee Substitute, page 6, line 64, by adding after the word "supplies" in the said line the following:

"When so requested by the commissioners' court of the county in which said project is proposed."

MARTIN.

The amendment was adopted.

Senator Regan sent up the following amendment:

Amend Senate Substitute for H. B. No. 13 by striking out Section Six (6) from the bill and renumbering the sections accordingly.

REGAN.

### Point of Order.

Senator Woodul presiding.

Senator Purl raised the point of order that a second amendment could not be offered after an amendment had been previously killed on the same subject.

The Chair overruled the point of order.

Senator Purl appealed from the ruling.

The question was put as to whether the Chair should be sustained.

The Chair was sustained by the following vote:

### Yeas—18.

Beck.	Patton.
Collie.	Poage.
Cousins.	Regan.
DeBerry.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Neal.	Stone.
Pace.	Woodruff.
Parr.	Woodward.

### Nays—6.

Duggan.	Murphy.
Holbrook.	Oneal.
Moore.	Purl.

### Present—Not Voting.

Rawlings.	Woodul.
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### Absent.

Blackert.	Hopkins.
Greer.	Redditt.

### Absent—Excused.

Fellbaum.

Senator Murphy moved to table the amendment by Senator Regan. The motion to table prevailed.

Senator Martin sent up the following amendment:

Amend Committee Substitute Bill No. 13, Section 6, by striking out of said Section 6, line 38, all of said line 38 after the word "State," said word "State" being the fourth word in said line 38.

MARTIN.

The amendment was adopted.

Senator Sanderford sent up the following amendment:

Amend H. B. No. 13 by striking out the words and figures four million five hundred thousand dollars (\$4,500,000.00) where they appear, and insert in lieu thereof the words and figures fourteen million five hundred thousand dollars (\$14,500,000.00)"

SANDERFORD.

Senator Moore moved to table the amendment.

The motion to table prevailed by the following vote:

### Yeas—21.

Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Regan.
Moore.	Russek.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Patton.	

### Nays—5.

Cousins.	Sanderford.
Martin.	Woodward.
Parr.	

### Absent.

Beck.	Greer.
Blackert.	Hopkins.

### Absent—Excused.

Fellbaum.

Senator Woodward sent up the following amendment:

Amend C. S. H. B. No. 13 as follows:

Change the words and figures four and one-half million wherever they appear in the bill so as to read ten million dollars.

WOODWARD.

Senator Moore moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—18.

Beck.	Pace.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Holbrook.	Rawlings.
Hornsby.	Redditt.
Moore.	Regan.
Murphy.	Small.
Oneal.	Stone.

Nays—8.

Cousins.	Sanderford.
Martin.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.

Present—Not Voting.

Hopkins.

Absent.

Blackert.	Russek.
Greer.	

Absent—Excused.

Fellbaum.

Senator Cousins sent up the following amendment:

Amend H. B. No. 13 by striking out the words and figures 4,500,000.00 where they appear and insert 8,000,000.00.

COUSINS.

Senator Holbrook moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—19.

Beck.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Holbrook.	Rawlings.
Hornsby.	Redditt.
Moore.	Regan.
Murphy.	Small.
Oneal.	Stone.
Pace.	

Nays—7.

Cousins.	Woodruff.
Martin.	Woodul.
Neal.	Woodward.
Sanderford.	

Present—Not Voting.

Hopkins.	Russek.
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Absent.

Blackert.	Greer.
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Absent—Excused.

Fellbaum.

Senator Martin sent up the following amendment:

Amend Committee Substitute for H. B. No. 13 by striking out of line 33 on page 4 the following: "for, on account of."

MARTIN.

Senator Purl moved to table the amendment.

The motion to table prevailed.

Senator Martin sent up the following amendment:

Amend Committee Substitute for H. B. No. 13 by striking out of line 35, page 4, the words "Highway Fund."

MARTIN.

Senator Purl moved to table the amendment.

The motion to table prevailed.

Senator Martin sent up the following amendment:

Amend Committee Substitute to H. B. No. 13 by striking out of said bill all of Section 3, and substituting therefor the following:

"The Texas Relief Commission shall hereafter be composed of nine (9) members, three (3) to be appointed by the Lieutenant Governor, three (3) to be appointed by the Speaker of the House of Representatives, and two (2) to be appointed by the Governor. The Governor and her successors in office shall be ex-officio chairman of said Commission and shall be entitled to vote as any other member. The members of the new commission, herein provided for, shall take the constitutional oath of office; provided, however, that nothing in this Act shall prevent or preclude the reappointment of any one, or more, of the members now constituting the membership of the Texas Relief Commission, and provided further that in the event of the death, resignation, or removal for cause of any member of said Commission appointed by the Lieutenant Governor, or the Speaker of

the House of Representatives, or the Governor, the vacancy created thereby shall be filled by appointment of the person making the original appointment. The members of the said Commission shall serve without compensation, but shall be allowed and paid all reasonable and necessary expenses incurred in the discharge of their duties."

**MARTIN.**

Senator Holbrook moved to table the amendment.

The motion to table prevailed.

Senator Woodruff sent up the following amendment:

Amend H. B. No. 13 by striking out in Section 1-c the figures \$4,500,000 and insert in lieu thereof \$7,500,000, and change the other parts of the bill, including the caption, to conform.

**WOODRUFF.**

Senator Holbrook moved to table the amendment.

The motion to table prevailed by the following vote:

**Yeas—17.**

Beck.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Holbrook.	Rawlings.
Hornsby.	Redditt.
Moore.	Regan.
Murphy.	Small.
Oneal.	Stone.
Pace.	

**Nays—10.**

Collie.	Russek.
Cousins.	Sanderford.
Martin.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.

**Present—Not Voting.**

Hopkins.

**Absent.**

Blackert. Greer.

**Absent—Excused.**

Fellbaum.

Senator Moore moved the previous question on the bill.

The motion for previous question was lost by the following vote:

**Yeas—9.**

Duggan.	Regan.
Holbrook.	Small.
Hornsby.	Woodruff.
Moore.	Woodward.
Rawlings.	

**Nays—15.**

Beck.	Patton.
Collie.	Poage.
Cousins.	Redditt.
Martin.	Russek.
Murphy.	Sanderford.
Neal.	Stone.
Oneal.	Woodul.
Parr.	

**Present—Not Voting.**

DeBerry.	Pace.
Hopkins.	Purl.

**Absent.**

Blackert. Greer.

**Absent—Excused.**

Fellbaum.

Senator Cousins sent up the following amendment:

Amend H. B. No. 13 by striking out the words and figures \$4,500,000.00, and insert \$6,000,000.00.

**COUSINS.**

Senator Holbrook moved to table the amendment.

The motion to table prevailed by the following vote:

**Yeas—20.**

Beck.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Regan.
Moore.	Russek.
Murphy.	Small.
Oneal.	Stone.
Pace.	Woodruff.

**Nays—7.**

Cousins.	Sanderford.
Martin.	Woodul.
Neal.	Woodward.
Parr.	

**Present—Not Voting.**

Hopkins.

**Absent.**

Blackert. Greer.

**Absent—Excused.**

Fellbaum.

Senator Sanderford moved to reconsider the vote by which the amendment by Senator Martin relating to a new commission failed.

The motion was lost by the following vote:

**Yeas—8.**

Collie.	Parr.
Cousins.	Redditt.
Martin.	Sanderford.
Pace.	Stone.

**Nays—18.**

Beck.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Holbrook.	Rawlings.
Hornsby.	Regan.
Moore.	Small.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

**Present—Not Voting.**

Hopkins. Russek.

**Absent.**

Blackert. Greer.

**Absent—Excused.**

Fellbaum.

The bill was read second time and passed to engrossment.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 13 was put on its third reading and final passage by the following vote:

**Yeas—27.**

Beck.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

**Absent.**Blackert. Hopkins.  
Greer.**Absent—Excused.**

Fellbaum.

Read third time and finally passed by the following vote:

**Yeas—25.**

Beck.	Patton.
Collie.	Purl.
Cousins.	Rawlings.
Duggan.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

**Nays—3.**DeBerry. Poage.  
Moore.**Absent.**

Blackert. Greer.

**Absent—Excused.**

Fellbaum.

**Bill Re-referred**

S. B. No. 25 re-referred from the Committee on State Affairs to the Committee on Civil Jurisprudence.

**Bills Signed.**

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 12.

President Pro. Tem., Frank H. Rawlings, presiding, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 25.

**Recess.**

On motion of Senator Rawlings, the Senate at 5:45 o'clock p. m., recessed until 2 o'clock p. m., tomorrow.

**APPENDIX.****Petitions and Memorials.**

To the Members of the Texas Senate:

We are deeply grateful to you for your telegram, flowers and resolution adopted by you on the death of our husband and father.

To know that he was held in such high esteem by his co-workers is comforting to us and helps us to bear the sorrow and grief which have come to us on his passing away.

Very sincerely,

(MRS.) ELLA C. LEWIS,

H. L. LEWIS, JR.

Navasota, Texas.

February 20, 1934.

**Committee on Enrolled Bills.**

Committee Room,

Austin, Texas, Feb. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 25 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 12 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

**Committee on Engrossed Bills.**

Committee Room,

Austin, Texas, Feb. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 32 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 70 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 22 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

**Committee Reports.**

Committee Room,

Austin, Texas, Feb. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 124, A bill to be entitled "An Act to amend Chapter 105 of the Special Laws passed by the Thirty-third Legislature at its Regular Session in 1913, same being a special road law for Jackson County, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. C. R. No. 24, Granting permission to A. J. Harbers to sue the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 132, A bill to be entitled "An Act to provide a more efficient system for the appointment of Deputy District Clerks serving in counties of more than three hundred and fifty-five thousand (355,000) population, in which counties there are more than one District Court, including Criminal District Courts, by

providing that the Clerk of the District Court may appoint a deputy for each District Court or Criminal District Court in his county when directed so to do by the Judge of any such Court; fixing the salaries of such deputies, and providing a method for their payment, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 133, A bill to be entitled "An Act providing that in counties having a population in excess of three hundred fifty thousand (350,000), according to the last preceding Federal Census, the provisions of Article 6869, Revised Civil Statutes of Texas, of 1925, as amended, insofar as such limits the number of deputies allowable to sheriffs shall not apply, but the sheriff in any such county shall have the number of deputies allowed him by the commissioners' court of such county, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 20, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 27, Declaring the legislative intent of Section 19, Chapter 37, of the Laws of the First Called Session of the Forty-third Legislature, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, Feb. 20, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 60, A bill to be entitled "An Act repealing all of Section 6-A of H. B. 11, Chapter 214, Acts Regular Session, Forty-third Legislature, page 637; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

HOPKINS, Chairman.

By Woodul.

S. B. No. 60.

#### A BILL

To be entitled

An Act repealing all of Section 6-a of House Bill 11, Chapter 214, Acts Regular Session, Forty-third Legislature, page 637; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 6-a of the House Bill No. 11, Chapter 214, Acts of the Regular Session, Forty-third Legislature, page 637, be and the same is hereby repealed.

Sec. 2. The fact that the State of Texas will likely lose millions of dollars of revenues in these pressing times when it is in dire need of large sums of money to defray the expenses of the government, and due to the further fact that the provisions of the statute hereinabove referred to impose judicial powers upon the heads of the department of the State government which have heretofore been vested in other public officials and tribunals, and due to the further fact that the same imposes upon the heads of each respective department of the government the burdens and tasks of obtaining statements from the respective departments with reference to the status of the taxes of taxpayers affected by this provision of the Act, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule that bills be read on three several days in each House, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, Feb. 21, 1934.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 62, A bill to be entitled  
"An Act to prohibit the operation of travel bureaus, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

RAWLINGS, Chairman.

By Hornsby, S. B. No. 62.

#### A BILL

To be entitled

An Act to prohibit the operation of travel bureaus, to prohibit anyone from holding out to the public that such person is engaged in the business of a travel bureau, to prohibit anyone from soliciting other persons to travel by motor vehicle over the public roads and highways of Texas where such person is to pay money for said transportation or any portion of the expense thereof, defining a travel bureau, making violations of the Act a misdemeanor, fixing penalties, excepting from the operation of the Act persons and corporations engaged in the transportation business who have complied with the laws of the State of Texas and of any municipality in which such business may be carried on, and making it the duty of all peace officers and inspectors for the Railroad Commission of Texas to enforce the Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The operation of travel bureaus within the State of Texas is hereby declared to be unlawful.

Sec. 2. A travel bureau is hereby defined to be, (a) any person, firm or corporation who holds out to the public, directly or indirectly, that such person, firm or corporation can bring together for purposes of motor vehicle transportation over the public roads and highways of Texas, between incorporated cities or towns, persons desiring to travel by motor vehicle and persons who can provide such means of transportation where

the person desiring such transportation is to pay any money for such transportation or any portion of the expense of such transportation; or (b) any person, firm or corporation who shall solicit any person for purposes of transportation by motor vehicle over the public roads and highways of Texas between incorporated cities or towns where the person solicited is to pay any money for such transportation or any portion of the expense of such transportation.

Sec. 3. Any person, firm or corporation who shall operate a travel bureau, as defined in Section 2 of this Act, shall upon conviction be deemed guilty of a misdemeanor and punished by fine of not less than Fifty (\$50.00) nor more than Two Hundred (\$200.00) Dollars, and each day of the violation shall be a separate offense.

Sec. 4. There is hereby excepted from the operation of this Act all persons, firms or corporations who are or may be engaged in the business of transporting persons for hire over the public roads and highways of Texas under legal authority of the State or any municipality in which such business may be carried on, and their agents, servants, and employees.

Sec. 5. It shall be the duty of all peace officers as well as the inspectors for the Railroad Commission of Texas to enforce this law and make arrests for the violation of this Act.

Sec. 6. The fact that there is at present no law under which persons, firms or corporations operating travel bureaus can be punished for such operation alone, and the further fact that the operation of such travel bureaus is inimical to the best interests of the people of the State, and the further fact that the operation of such travel bureaus ought to be in and of itself declared a criminal offense for the reason that such travel bureaus are the source of transportation boot-legging in the State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, Feb. 21, 1934.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on State  
Highways and Motor Traffic, to  
whom was referred

S. B. No. 42, A bill to be entitled  
"An Act to amend Section 14, Chap-  
ter 186, Senate Bill No. 74, passed  
at the Regular Session, Thirty-ninth  
Legislature, as amended by Chapter  
10, Senate Bill No. 24, passed at the  
Third Called Session, Forty-first Leg-  
islature, as amended by Chapter 79,  
Senate Bill No. 82, passed at the  
Fifth Called Session, Forty-first Leg-  
islature, as amended by Chapter 207,  
Senate Bill No. 531, passed at the  
Regular Session, Forty-third Legis-  
lature, so as to correct the reference  
to Article 6674h, in Section 1, Chap-  
ter 207, Acts of Regular Session,  
Forty-third Legislature, etc."

Have had the same under consid-  
eration, and I am instructed to re-  
port it back to the Senate with the  
recommendation that it do pass, and  
be printed in the Journal.

RAWLINGS, Chairman.

By Duggan.

S. B. No. 42.

#### A BILL

To be entitled

An Act to amend Section 14, Chap-  
ter 186, Senate Bill No. 74, passed  
at the Regular Session, Thirty-  
ninth Legislature, as amended by  
Chapter 10, Senate Bill No. 24,  
passed at the Third Called Ses-  
sion, Forty-first Legislature, as  
amended by Chapter 79, Senate  
Bill No. 82, passed at the Fifth  
Called Session, Forty-first Legis-  
lature, as amended by Chapter  
207, Senate Bill No. 531, passed  
at the Regular Session, Forty-  
third Legislature, so as to correct  
the reference to Article 6674n, in  
Section 1, Chapter 207, Acts of  
Regular Session, Forty-third Leg-  
islature, and making same refer to  
Section 14, Chapter 186, Senate  
Bill No. 74, passed at the Regular  
Session, Thirty-ninth Legislature;  
to confer authority on the State  
Highway Commission and/or  
county commissioners' court to  
purchase or condemn land for any  
new or wider right-of-way or for  
materials necessary or convenient  
to any highway in connection with  
the locating, relocating, mainte-

nance, or construction of such  
highway and/or to acquire by pur-  
chase or by condemnation the use  
or acquisition of land not more  
than one hundred feet in width  
for stream bed diversion in con-  
nection with the locating, relocat-  
ing, or construction of a desig-  
nated state highway; repealing all  
laws or parts of laws in conflict  
herewith; and declaring an emer-  
gency.

Be it enacted by the Legislature of  
the State of Texas:

Section 1. Section 14, Chapter  
186, Acts of Regular Session, Thirty-  
ninth Legislature, as amended by  
Chapter 10, Acts of Third Called  
Session, Forty-first Legislature, as  
amended by Chapter 79, Acts of the  
Fifth Called Session, Forty-first Leg-  
islature, as amended by Chapter 207,  
Acts of Regular Session, Forty-third  
Legislature is hereby amended so as  
to hereafter read as follows:

Whenever in the judgment of the  
State Highway Commission the use  
or acquisition of any land is neces-  
sary for road right-of-way purposes,  
timber, earth, stone, gravel, or other  
material, necessary or convenient to  
any road to be constructed, recon-  
structed, maintained, widened,  
straightened, or lengthened and/or  
the use or acquisition of land not  
exceeding one hundred feet in width  
is necessary for stream bed diversion  
in connection with the locating, re-  
locating, or construction of a state  
highway designated by the State  
Highway Commission, the same may  
be acquired by purchase or by con-  
demnation by the State of Texas.  
Provided that should the owner of  
such land for road right-of-way pur-  
poses, or land for stream bed diver-  
sion, as herein provided, or such  
materials, and the State Highway  
Commission, or its representatives,  
fail to agree upon the amount to be  
paid therefor, then the Attorney Gen-  
eral, at the request of the State  
Highway Commission, shall proceed  
to condemn the same for and on be-  
half of the State of Texas in the man-  
ner provided for condemnation of  
lands by the State of Texas in Title  
52, Articles 3264 to 3271, inclusive,  
of the Revised Civil Statutes of 1925.  
The State Highway Commission's  
portion of the expense of such pro-  
ceedings shall be paid out of the  
State Highway fund. Provided that



the county in which the state highway is located may pay for same out of the county road and bridge fund, or any available county funds.

Any commissioners' court is hereby authorized to secure by purchase or by condemnation on behalf of the State of Texas any new or wider right-of-way and/or the use or acquisition of land not exceeding one hundred feet in width for stream bed diversion in connection with the locating, relocating, or construction of a designated state highway, and/or land or lands for material or borrow pits, to be used in the construction, reconstruction, or maintenance of state highways, and to pay for same out of the county road and bridge fund, or out of any special road funds or any available county funds. The State Highway Commission shall be charged with the duty of furnishing to the county commissioners' court the plats or field notes of such right-of-way or land and the description of such materials as may be required, after which the commissioners' court may, and is hereby authorized to purchase or condemn same, with title to the State of Texas, in accordance with such field notes. Provided, that in the event of condemnation by the county the procedure shall be the same as that set out in Title 52, Articles 3264 to 3271, inclusive, Revised Civil Statutes of 1925. Provided that when condemnation proceedings are instituted, either by the commissioners' court of the county or the State Highway Commission, that such proceedings shall be instituted in the county where the land lies and venue is hereby fixed in such county.

Sec. 2. That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

Sec. 3. The fact that this Act corrects a reference in said law, and further fact that the State Highway Commission is now without authority to acquire land or lands for new or wider right-of-way or necessary material or land for stream bed diversion and that such authority is absolutely necessary to carry out the purposes and public functions of the State and the State Highway Commission, creates an emergency and an imperative public necessity that

the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 16, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Congressional Districts, to whom was referred

S. B. No. 32, A bill to be entitled "An Act to apportion the State of Texas into Congressional Districts, naming the counties composing the same, and providing for the election of a member of the Congress of the United States from each district, transferring Duval County from the Fourteenth District to the Fifteenth District, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HORNSBY, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 70, A bill to be entitled "An Act to change and prescribe the time for holding the terms of District Court in the 108th Judicial District; to make all writs and process issued or served before this Act takes effect returnable to the terms of court as herein fixed; to validate the summoning of petit jurors under the present law so as to render them available under this Act; to provide for the continuation of court in session in said district when this Act takes effect to the end of the term; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODUL, Chairman.

Committee Room,  
Austin, Texas, Feb. 20, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 34, A bill to be entitled "An Act amending Article 3369, Revised Civil Statutes of Texas, 1925, correcting the same by inserting the words 'testamentary or' after the word 'letters' in the last sentence thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

WOODWARD, Chairman.

By Hopkins, by request. S. B. No. 34.

#### A BILL

##### To Be Entitled

An Act amending Article 3369, Revised Civil Statutes of Texas, 1925, correcting the same by inserting the words "testamentary or" after the word "letters" in the last sentence thereof, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 3369, Revised Civil Statutes of Texas, 1925, is hereby amended so as to read as follows:

Article 3369. Letters testamentary.

Before granting letters testamentary, it must appear to the court:

1. That the person is dead.
2. That four years have not elapsed since his decease prior to the application.
3. That the court has jurisdiction of the estate.
4. That the will has been proved as prescribed by law.
5. That the person to whom the letters are to be granted is named as executor in the will.
6. That the person named as executor is not disqualified by law.

The first three subdivisions of this article have no application where letters testamentary or of administration upon which such estate have been previously granted in said court.

Sec. 2. The fact that the omission of the words "testamentary or" frustrates in many instances the execution of wills in so far as the appointment of executors is concerned, creates an emergency and an

imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each House, be suspended, and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

Committee Room,  
Austin, Texas, Feb. 20, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 35, A bill to be entitled "An Act amending Article 4195-A, Acts of the Fortieth Legislature, Regular Session, Chapter 31, page 43, correcting the same, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

WOODWARD, Chairman.

By Hopkins, by request. S. B. No. 35.

#### A BILL

##### To be entitled

An Act amending Article 4195-A, Acts of the Fortieth Legislature, Regular Session, Chapter 31, page 43, correcting the same by inserting the word "ward" in place of the word "minor" and by inserting the number "4198" in place of the number "4197", and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 4195-A, Acts of the Fortieth Legislature, Regular Session, Chapter 31, page 43, is hereby amended so as to read as follows:

Article 4195-A. Whenever the estate of a ward consists in part of real estate, and any part or parcel of such real estate produces no revenue or does not produce sufficient revenue to make a fair return upon the value of such part or parcel of said real estate, and the guardian of said estate does not deem it advisable or advantageous to said estate to improve such part or parcel of said estate, and said guardian believes the sale of such part or parcel of said real estate and the investment of the money derived therefrom would be to the best interests of said estate under all the circumstances,

said guardian may make a written application to the court in which such guardianship is pending, stating such facts and asking for an order to sell such part or parcel of said real estate, and the court on hearing of such application, after notice as provided in Article 4198 may order the sale of said real estate, in whole or in part.

Sec. 2. The fact that the use of the word "minor" instead of the word "ward" and the reference to the wrong article regarding notice of sales by guardians, affect the legality of certain sales intended to be made possible by Article 4195-A and causes a hardship in many instances, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended and it is so enacted.

Committee Room,

Austin, Texas, Feb. 21, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Banks and Banking, to whom was referred

H. C. R. No. 12, "Declaring it to be the intention of the Legislature that Chapter 165, Acts of the Forty-second Legislature, Regular Session, shall control the deposit of securities deposited under Article 696."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

RUSSEK, Chairman.

By Pope.

H. C. R. No. 12.

A Concurrent Resolution.

Whereas, By Chapter 165, page 280, Acts of the Forty-second Legislature, Regular Session, it is provided all bonds, notes, certificates, debentures, or other obligations sold

in Texas by the corporations therein named, shall be secured by deposit with a trustee as provided in said Act, of securities of the reasonable market value equaling the value of such bonds, notes, certificates, debentures or other obligations; and

Whereas, It is further provided in Section 7 of said Act that "all cash or securities left with State Treasurer in compliance with Article 696, Revised Civil Statutes of 1925, shall be considered a part of the collateral required under this section"; and

Whereas, Issuers of the obligations named are being required by the trustees provided for in said Act, to deposit with such trustees, securities of the full value as required by said Act, and the State Treasurer, the Comptroller and the Commissioner of Banking have construed the said Act to require that all securities deposited with the State Treasurer under said Article 696 shall remain so deposited, notwithstanding deposit with the trustees of securities of the value of the obligations sold, thereby requiring a greater burden than was intended to be imposed by said Act, resulting from the combined deposits exceeding such value;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives, the Senate concurring, That it be declared to be the intention of the Legislature in the passage of Chapter 165, Acts of the Forty-second Legislature, Regular Session, that said Chapter 165 control the deposit of securities provided by said Article 696, and that the provisions of said Chapter 165 be, and the same are declared to control the deposit of such securities; and the Comptroller of Public Accounts is hereby directed to issue the necessary warrant directing the State Treasurer to deliver said securities, if any, deposited with said Treasurer under said Article 696, to the Commissioner of Banking of the State of Texas, to be deposited as directed by the terms of said Chapter 165.

**In Memory  
of  
Hon. W. C. McKamy**

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**Senate Resolution No. 19.**

Senator Purl sent up the following resolution:

WHEREAS, We learn with deep regret that Honorable W. C. McKamy passed from this life on yesterday after an illness of two months; and

WHEREAS, W. C. McKamy has, throughout his life, exemplified one of our most useful types of citizen and has given a large portion of his time and has expended sincere and worthy effort to the cause of the people of Texas; and

WHEREAS, W. C. McKamy was a former Dallas County Legislator, serving in the House of Representatives during the Twenty-fifth, the Twenty-sixth, and the Thirty-third sessions of the Legislature, and serving in the Senate during the Twenty-eighth and the Twenty-ninth sessions of the Legislature; and

WHEREAS, W. C. McKamy was a member of one of Texas' pioneer families, attending Texas schools and making his home throughout his life in Texas, and making his life work the kind of work which stamped him as a man, unselfish in his purpose and one who used his brilliant mind to assist in promoting the welfare of our people;

THEREFORE, BE IT RESOLVED, By the Senate of Texas, that the Secretary of the Senate be instructed to convey to the family of W. C. McKamy our very deep regret at his passing and our sympathy; and that when the Senate adjourn today, it shall be in memory of Honorable W. C. McKamy;

BE IT FURTHER RESOLVED, That the Secretary of the Senate be instructed to forward a copy of this resolution to the family of W. C. McKamy and that a page in the Senate Journal be set aside for this resolution.

PURL,  
BECK,  
BLACKERT,  
COLLIE,  
COUSINS,  
DeBERRY,  
DUGGAN,  
FELLBAUM,  
GREER,  
HOLBROOK,  
HOPKINS,

HORNSBY,  
MARTIN,  
MOORE,  
MURPHY,  
NEAL,  
ONEAL,  
PACE,  
PARR,  
PATTON,  
POAGE,  
RAWLINGS,

REDDITT,  
REGAN,  
RUSSEK,  
SANDERFORD,  
SMALL,  
STONE,  
WOODRUFF,  
WOODUL,  
WOODWARD.

The resolution was adopted by a rising vote.